

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
7:20-CV-00028-D

**Anti-Tranny Political Action
Committee & Napier Sandford Fuller,**

Plaintiffs,

v.

State of North Carolina, et al.,

Defendants.

Order

Previously, the court allowed Plaintiff Napier Sandford Fuller until May 14, 2020, to file an amended complaint. D.E. 17. Fuller now asks for an extension of time until May 22, 2020, to file that document. D.E. 18. The court, finding good cause for the extension, grants Fuller's motion. He must file his amended complaint no later than May 22, 2020.¹

In his motion, Fuller also addressed whether his amended complaint would be subject to screening under 28 U.S.C. § 1915. *Id.* He claims that his complaint is not subject to screening because he is not proceeding pro se and he is not a prisoner. *Id.* After reviewing the docket, the court agrees that § 1915 does not apply to this case. But regardless of whether Fuller has paid the filing fee, the court retains the authority to dismiss his complaint if, among other reasons, the court finds it to be frivolous or if the court finds that it lacks jurisdiction over his claims. *Ross v. Baron*, 493 F. App'x 405, 406 (4th Cir. 2012) (citing *Mallard v. United States Dist. Court*, 490 U.S. 296, 307–08 (1989)). The court will review the amended complaint for such issues when it is filed.

¹ Fuller has also filed a motion to stay pretrial proceedings. D.E. 19. That motion has not been ruled on yet. Until an order is entered staying this proceeding, Fuller must comply with the deadlines set by the court.

Once the court has completed its review, it will address issues related to service of process, if necessary.

Dated: May 13, 2020

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive, flowing style. The "R" is large and loops around the "o". The "T" is a simple vertical stroke. "Numbers" is written in a standard cursive, and "II" is at the end.

Robert T. Numbers, II
United States Magistrate Judge